IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 378 of 2002

For Approval and Signature:

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

PRECISION TECHNOFAB AND ENG. PVT. LTD

Versus

GOVERNMENT OF MADHYA PRADESH

Appearance:

1. Appeal from Order No. 378 of 2002

MR MIHIR H JOSHI for Appellant No.

MR SAMIR J DAVE for Respondent No. 1

RULE SERVED BY DS for Respondent No. 2

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 20/01/2005

ORAL JUDGEMENT

1. The appellant has preferred this appeal from order being aggrieved by the order dated 20/08/2002 passed by the learned Chamber Judge of the Ahmedabad City Civil Court below exh.5/6 in Civil Suit No.3672 of 1999,

whereby the said application was rejected.

2. While issuing Notice in Civil Application No.6456 of 2002 in the aforesaid appeal from order, this Court had restrained the respondents, their officers, employees and agents from invoking, encashing or honouring the suit bank guarantee being Bank Guarantee no.8/16 dated 16/11/1995. Now, as status quo is operating since 2002, it would be appropriate to direct the parties to maintain status quo till the suit pending before the said Court is finally disposed of.

3. I have heard learned counsel for the parties and have perused the relevant documents on record. In view of the facts and circumstances of the case, I am of the opinion that ends of justice would be met if the trial Court is directed to expedite the hearing of the said suit.

4. Therefore, without entering into the merits of the matter, the trial Court is directed to hear and dispose of the suit being Civil Suit No.3672 of 1999 pending before the Court of the learned Chamber Judge, City Civil Court, Ahmedabad as expeditiously as possible and preferably within a period of two years from the date of receipt of writ of this order.

5. With the above observations and directions, the Appeal from Order stands disposed of. Parties are directed to maintain status quo till the said suit is finally disposed of. Office is directed to send writ of this order forthwith.

[K. S. JHAVERI, J.]
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